

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA,

Plaintiff,

v.

CASE NO. 22-mj-30401

HON. CURTIS IVY, JR.

United States Magistrate Judge

RAMIRO BARAJAS,

Defendant.

**Stipulation to Adjourn Preliminary Hearing
and to Exclude Time to Indict under the Speedy Trial Act**

1. On September 21, 2022, defendant Ramiro Barajas, made his initial appearance on the complaint in this case, which charges him with knowing that he had been convicted of a crime punishable by imprisonment for a term exceeding one year, and knowing that he was an unlawful user of a controlled substance, specifically methamphetamine, knowingly possessed, in or affecting commerce, firearms and ammunition in violation of 18 U.S.C. § 922(g)(2) and 18 U.S.C. § 922(g)(3)
2. On September 26, 2022, the defendant, Ramiro Barajas consented to detention and a preliminary hearing was set October 5, 2022.

3. The parties now seek to adjourn the October 5, 2022 preliminary hearing until October 26, 2022, to allow the parties time to discuss pre-indictment plea negotiations and to obtain, exchange and review discovery.

4. The parties stipulate that the amount of time between October 5, 2022 and October 26, 2022 should be excludable from the time in which the government must file an indictment under the Speedy Trial Act, because it will allow time for the parties to engage in pre-indictment plea negotiations which could resolve all of the issues in the case and because the ends of justice served by the adjournment outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7).

5. Moreover, defendant consents to the adjournment and he continues to waive the 14-day time period in which to hold the preliminary hearing under Federal Rules of Criminal Procedure 5.1(c) and consents to extending the time pursuant to Federal Rule of Criminal Procedure 5.1(d).

Respectfully submitted,

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Dated: September 29, 2022

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**Order to Adjourn the Preliminary Hearing
and to Exclude Time Under the Speedy Trial Act**

The Court has considered the parties' stipulation to adjourn the preliminary hearing until October 26, 2022, and to exclude the amount of time between October 5, 2022 to October 26, 2022, from the time that the government must return an indictment. For the reasons described in the parties' submission, and after considering the factors listed in § 3161(h)(7)(B), the Court finds that the ends of justice served by granting the parties' requested continuance outweigh the best interests of the public and the defendant in a speedy trial and that the time from October 5, 2022 to October 26, 2022, qualifies as excludable delay under 18 U.S.C. § 3161(h)(7). Specifically, the Court finds that the parties wish collect and exchange discovery and engage in pre-indictment plea discussions which could resolve all of the issues in the case.

IT IS THEREFORE ORDERED that Preliminary Hearing will be adjourned until October 26, 2022 at 1:00 pm;

IT IS FURTHER ORDERED that the time from October 5, 2022 to October 26, 2022, shall constitute excludable delay under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7), because the Court finds that the ends of justice served by the granting of the continuance outweigh the best interests of the public and the defendant in a speedy trial.

s/Curtis Iv, Jr.
Curtis Ivy, Jr.
United States Magistrate Judge

Entered: September 29, 2022